

Dec. 28. 2005 3:55PM

No. 6997 P. 1

**CRAIN
CATON
&
JAMES**

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS

TELEPHONE: 713.658.2323
FACSIMILE: 713.658.1921

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FAX COVER SHEET

TO: Office of Petitions **FAX #:** 571.273.8300
Commissioner of Patents
United States Patent & Trademark Office

FROM: James E. Hudson III **NUMBER OF PAGES:** 11
DATE: December 28, 2005 (**INCLUDING COVER PAGE**)
C/M#: 089515-000115
SUBJECT: Petition to Correct Inventorship
U.S. Pat. Appl. S/N 10/619,852
U.S. Pat. No. 6,933,771

Included with this transmittal for U.S. Pat. Appl. S/N 10/619,852 issued as U.S. Pat. No. 6,933,771 are:

1. Fax cover sheet (1 sheet)
2. Transmittal Form PTO/SB/21 (1 sheet)
3. Processing Fee Transmittal PTO/SB/17i (1 sheet)
4. Petition Under 37 CFR 1.324 To Correct Inventorship (8 sheets)

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PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|-----------------------|
| | | Application Number | 10/619,852 |
| | | Filing Date | July 16, 2003 |
| | | First Named Inventor | Stanley D. Stearns |
| | | Art Unit | 2816 |
| | | Examiner Name | Jeffery Shawn Zweizig |
| Total Number of Pages in This Submission | 11 | Attorney Docket Number | 088515-000115 |

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Fax Cover Letter |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|----------------------------|----------|--------|
| Firm Name | Crain, Calon & James, P.C. | | |
| Signature | <i>James E. Hudson III</i> | | |
| Printed name | James E. Hudson III | | |
| Date | December 28, 2005 | Reg. No. | 41,081 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO [redacted] on [redacted]

the date shown below:

| | | | |
|-----------------------|----------------------------|------|-------------------|
| Signature | <i>James E. Hudson III</i> | | |
| Typed or printed name | James E. Hudson III | Date | December 28, 2005 |

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

| | |
|------------------------|-----------------------|
| Application Number | 10/619,852 |
| Filing Date | July 16, 2003 |
| First Named Inventor | Stanley D. Stearns |
| Art Unit | 2818 |
| Examiner Name | Jeffery Shawn Zweizig |
| Attorney Docket Number | 089515-000115 |

Enclosed is a paper filed under 37 CFR 1.324 that requires a processing fee (37 CFR 1.17(i)).
 Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(i), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-3385:
 processing fee under 37 CFR 1.17(i) any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ _____ is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,
 Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.62(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(e)(2) if not filed within the cited time periods.
- § 1.89(e) - for processing a belated submission under § 1.89.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. Fee Code 1803
- § 1.291(e)(8) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the International stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature
James E. Hudson III

Typed or printed name

December 28, 2005

Date

41,081

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | |
|---------------|---|-------------------------------------|------------------|------|
| Appl. No. | : | 10/619,852 | Confirmation No. | 7589 |
| Patent No.: | : | 6,933,771 | | |
| Applicants | : | Stanley D. Stearns, Chris S. Cowles | | |
| Filed | : | July 15, 2003 | | |
| TC/A.U. | : | 2816 | | |
| Examiner | : | Jeffery Shawn Zweizig | | |
| Docket No. | : | 089515-000115 | | |
| Customer No.: | : | 30903 | | |
| Issue Date: | : | August 23, 2005 | | |

Commissioner for Patents
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.324 TO CORRECT INVENTORSHIP

Sir:

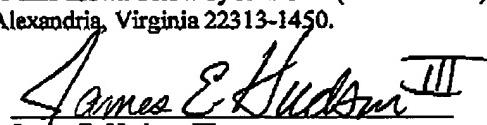
Pursuant to 37 CFR 1.324, named inventors Stanley D. Stearns and Chris S. Cowles, together with Valco Instruments Company, Inc. as assignee of the interest of Chris S. Cowles, hereby request a certificate of correction naming only Chris S. Cowles as inventor. Stanley D. Stearns was erroneously named in the above-identified issued patent as an inventor of the invention disclosed therein. Such error arose without any deceptive intention on the part of Stanley D. Stearns.

12/29/2005 SFELEKE1 00000030 503385 6933771
01 FC:1464 130.00 DA

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this correspondence is being transmitted on the date shown below by facsimile (571-273-8300) to the Assistant Commissioner of Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.

December 28, 2005

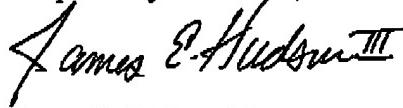

James E. Hudson III
Registration No. 41,081

Patent No. 6,933,771
Petition Dated December 28, 2005
PETITION UNDER 37 CFR 1.324 TO CORRECT INVENTORSHIP

This petition is accompanied by:

1. A statement from Stanley D. Stearns that the inventorship error occurred without any deceptive intent, as required by 37 CFR 1.324(b)(1)(Appendix A).
2. A statement from Chris S. Cowles agreeing to the change in inventorship, as required by 37 CFR 1.324(b)(2). Pursuant to 37 CFR 1.324(b)(2), Mr. Cowles is the only current named inventor who has not submitted a statement under 37 CFR 1.324(b)(1)(Appendix B).
3. A statement Valco Instruments Co., Inc. as the sole assignee of any interest in this patent, namely the assignee of the interest of Chris S. Cowles, agreeing to the change of inventorship, as required by 37 CFR 1.324(b)(3)(Appendix C). The assignment of the interest of Chris S. Cowles to Valco Instruments Co., Inc. was recorded in the United States Patent and Trademark Office on July 15, 2003 at Reel/Frame 014297/0365.
4. The required fee of One Hundred Thirty Dollars (\$130.00). The Director is hereby authorized to charge the required fee(s) or credit any overpayment to deposit account 50-3385 in the name of Crain, Caton & James, P.C.

Respectfully Submitted,



James E. Hudson III
Registration No. 41,081
Crain, Caton & James, P.C.
1401 McKinney, Suite 1700
Houston, Texas 77010-4035
713.752.8652 Voice
713.425.7952 Fax
jhudson@craincaton.com